

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-6349

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

KEVIN JAMES BEARDEN, a/k/a Kevin Bearde,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. Richard L. Williams, Senior District Judge. (CR-99-3)

Submitted: July 29, 2005

Decided: August 12, 2005

Before NIEMEYER, WILLIAMS, and GREGORY, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Kevin James Bearden, Appellant Pro Se. Stephen Wiley Miller, OFFICE OF THE UNITED STATES ATTORNEY, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Kevin James Bearden was convicted of two counts of using a firearm during a crime of violence in violation of 18 U.S.C. § 924(c) (2000). On April 28, 2000, he was sentenced to 360 months' imprisonment. In February 2005, Bearden filed with the district court pleadings labeled "Notice of Appeal Pursuant to 3742" and "Review of Sentence Title § 3742(a)(2)(3)(c)," which the court properly construed as notices of appeal.

In a criminal case, defendant's notice of appeal must be filed within ten days after the entry of judgment or order being appealed. Fed. R. App. P. 4(b)(1)(A). Because the time for appealing his sentence has expired, we dismiss this appeal as untimely. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED